

FORM TO BE USED BY FEDERAL INMATES IN FILING A CIVIL ACTION UNDER 28 USC § 1331 OR § 1346

REVISED 8/05

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
_____ DIVISION

Andre'a Darius Johnson
#17570028

(Enter above the full name and inmate number
of each plaintiff in this action)

VS.

The Staff of
Beaumont USP +
Medical

(Enter above the full name of each defendant in this action).

Case No. 1:22cw313
(Clerk will assign the number)

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? YES ☒ NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
1. Approximate date of filing lawsuit: _____
 2. Parties to previous lawsuit:
Plaintiff(s) _____
Defendant(s) _____
 3. Court: (If federal, name the district; if state, name the county.) _____
 4. Docket Number: _____
 5. Name of judge to whom case was assigned: _____
 6. Disposition: (Was the case dismissed, appealed, still pending?) _____
 7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT: Beaumont USP

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Pursuant to 42 U.S.C. § 1997e(a), exhaustion of administrative remedies is required prior to initiating a civil rights action or Federal Tort Claims Act lawsuit. Copies of all grievances, appeal and responses must be submitted to verify exhaustion. Failure to demonstrate exhaustion may be grounds for dismissal. The rules for federal prisoners are found at 42 C.F.R. §§ 542.10, *et seq.*

1. Informal Grievance

a. Did you submit an informal grievance. ✓ YES NO
If so, you must attach a copy of the grievance and response.

b. If not, then why not?

I wrote numerous and I've never gotten a response.

2. Formal Grievance

a. Did you submit a formal grievance (BP-9)? YES ✓ NO
If so, you must attach a copy of the grievance and response.

b. If not, then why not?

They refused to give me any and this is part of my problem pertaining to my suite

3. Appeal to the Regional Director of the Bureau of Prisons

a. Did you timely submit an appeal to the Regional Director (BP-10)? YES ✓ NO
If so, you must attach a copy of the appeal and response.

b. If not, then why not?

They are refusing me my rights

4. Appeal to the General Counsel of the Bureau of Prisons

a. Did you timely submit an appeal to the General Counsel of the Bureau of Prisons (BP-11)? YES ✓ NO
If so, you must attach a copy of the appeal and response.

b. If not, then why not?

I can not get anything due to refusal

IV. PARTIES TO THIS SUIT:

A. Name and address of each plaintiff: Beaumont USP Andre'a Johnson
#17570028

- B. Full name of each defendant, his official position, his place of employment, and his full mailing address.
If you are bringing a civil rights lawsuit against federal employees, then your lawsuit should be filed pursuant to 28 U.S.C. § 1331. If you are bringing a Federal Tort Claims Act lawsuit under 28 U.S.C. § 1346, then the only defendant will be the United States of America.

Defendant #1: United States of America Beaumont USP

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

I was refuse shower shoes which resulted to shoulder injury in the sho.
Defendant #2: United States of America Beaumont USP

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

There medical team has not answered my csp outS
Defendant #3: United States of America Beaumont USP

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

All my personal belongs have not be sent to me on their behalf.
Defendant #4: United States of America Beaumont USP

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

My points are redicously high should be in a lower Facility.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where it happened, when it happened, and who was involved. Describe how each defendant is involved. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. **IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.**

4-6-22 I was sent to the sho and refused shower shoes while getting off the top bunk I fell injuring my left shoulder. I informed Officer Snyder, SIS Monty, Medical Staff, Officer Huffman, Officer Sobeil, Officer Tenner. IS refusing to initiate my paperwork due to being in (PC) for 3rd 4. ALSO they are refusing to give me my 1 hour of recreation a day which has played on my mental health. I'm now taking medicine for anxiety. "Mirtazapine"

The Medical Staff was advised of this situation on numerous occasions and refusing to tend to my health care not filling my script and not tending to my Cop out of bronchitis and my injury or break out on my chest. I injured my shoulder 5-26-22 morning.

approximately 9:10 April 4, 2022 I packed my belonging officer told me to get them from in front of Cell E3424 and put in the room of Maintenance next to office I have never received it. Check property solely at officer went look for it. Property officer

VI. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

\$4.5 million for my grief, pain, and suffering also any medical ill need due to my release. From my dealings of this cruel and unprofessional treatment.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

Andrea Johnson

B. List all prisoner identification numbers you have ever been assigned and all other state or federal prison numbers ever assigned to you, if known to you.

#17832 State INDIANA 17570028 Federal

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed?

YES ☐ NO ☒

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Docket Number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? _____ YES _____ NO

C. Has any court ever warned or notified you that sanctions could be imposed? _____ YES _____ NO

Central Fill Pharmacy-Pollock BM
1000 AIRBASE RD, ADMIN BLDG, POLLOCK
371599-CP1 Ramos, Luis MD
JOHNSON, ANDREA DARIUS
Take one tablet (15
by mouth at bedtime
*consent form on fi
Mirtazapine 15 MG Tab
(5) Refills 07/18/2022 MVP Refill Ur
#30 tab Don't Confiscate Before:
Federal/State law prohibits transfer of this drug to any person other than

D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): _____
2. Docket Number: _____
3. Approximate date warnings were imposed: _____

Signed this _____ day of _____, 20____.
(date) (month) (year)

(Signature of each plaintiff)

I DECLARE (OR CERTIFY, VERIFY OR STATE) UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENTS OF FACT, INCLUDING ALL CONTINUATION PAGES, ARE TRUE AND CORRECT.

Executed on: Aug. 2, 2022
(Date)

Andreia Johnson

(Signature of each plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

Statement of Claim

Andre'a Johnson 17510028

I have filed on my Compassion of relief regarding the trouble i've endured while my stay at Beaumont. I stated all of these in the paperwork and I also have been informed my children had been in Custody of CPS and in thier Caregiver and asked to be granted on this as one of my reasons and was denied saying, "His desire to support his child is also not an extraordinary and compelling reason for release. I was sentenced to 31 months and only have 14 left."

Unit team Officer Tenner stated "He will not help me with anything until I come out of protective custody back to his dorm".

The general rule is that sentences imposed in federal criminal cases are final and may not be modified. 18 U.S.C. § 3582(c). Yet, under one exception to this rule, a court may reduce a sentence "after considering the factors set forth in [18 U.S.C. § 3553(a)] to the extent that they are applicable," if it finds that there are "extraordinary and compelling reasons" that warrant a reduction. 18 U.S.C. § 3582(c)(1)(A)(i). The Seventh Circuit has held that a court has broad discretion in determining what constitutes "extraordinary and compelling reasons" under the statute. *United States v. Gunn*, 980 F.3d 1178, 1180–81 (7th Cir. 2020). The court must "consider[] the applicant's individualized arguments and evidence," *United States v. Rucker*, 27 F.4th 560, 563 (7th Cir. 2022), but ultimately, "[t]he movant bears the burden of establishing 'extraordinary and compelling reasons' that warrant a sentence reduction." *United States v. Newton*, 996 F.3d 485, 488 (7th Cir. 2021).

Defendant has not met his burden to show that extraordinary and compelling reasons warrant release. To the extent that Defendant complains about the health care he is receiving and the conditions at his facility, such complaints might form the basis for a civil suit in his district of incarceration, but they are not extraordinary and compelling reasons to release him. *See United States v. Dotson*, 849 F. App'x 598, 601 (7th Cir. 2021) ("Mistreatment or poor conditions in prison, if proved, might be grounds for relief in a civil lawsuit, but untested allegations of this nature are not grounds for a sentence reduction." (cleaned up)).

Defendant's desire to help support his child is also not an extraordinary and compelling reason for release. Defendant does not suggest that his child lacks a caregiver. His desire to help his child is admirable, but many inmates would like to support their children. That desire is not an extraordinary and compelling reason warranting release.

Andre's Johnson
USP Beaumont
P.O. Box 26030
Beaumont, TX 77720

NORTH HOUSTON TX 773

4 AUG 2022 PM 2:11



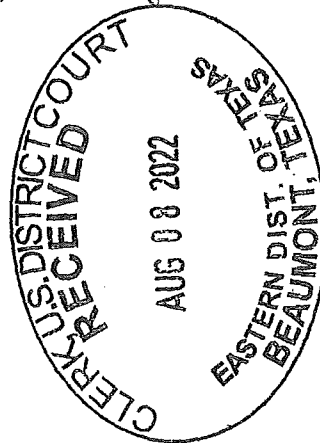
U.S. District Court

Eastern District of Texas

300 Willow St. Room 104

Beaumont, Texas

77701-2217



77701-221728

